

BEST AVAILABLE COPY

Docket No: 03092/100G780-US1

Customer No.: 07278
Patent and Trademark Office**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Evan John Kaye

Serial No. 09/918,279

Art Unit: 2155

Confirmation No.: 2407

Filed: July 30, 2001

Examiner: M. Y. Won

For: SHIPPING ADDRESS AUTOMATION METHOD
-----**DECLARATION UNDER 37 C.F.R. § 1.131 OF EVAN KAYE**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 27, 2006

Sir:

I, Evan Kaye, hereby declare and state as follows:

1. Evan Kaye is a citizen of the United States of America and is more than twenty-one years of age.

2. I am the inventor of the subject matter described and claimed in the above referenced patent application. I have read claims 1, 3-12 and 14-23 attached to this Declaration as Exhibit A.

{W:\03092\100G780000\00698102.DOC (REVISED) (100G780000) (100G780000) }

3. I have also read an Office Action mailed in connection with the above-referenced patent application and understand that the rejection of each of the claims is based, in part, upon the Patent Office's reliance on U.S. Patent No. 6,611,814 to Lee et al. ("Lee et al."). The Lee et al. patent was filed on July 17, 2000.

4. Prior to July 17, 2000, I had completed my invention as described in the subject application and recited in the claims attached at **Exhibit A**.

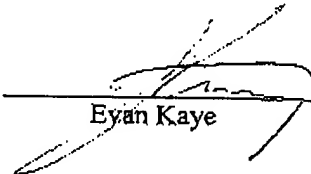
5. As evidence that my work antedates the Lee et al. patent filing, I refer to Invoice No. 314073, dated July 28, 2000, and Invoice No. 321753, dated September 13, 2000, attached hereto as **Exhibits B** and **C**, respectively. Dates along with privileged information, appearing in these documents have been redacted. **Exhibits B** and **C** document the efforts of my attorneys, and their interaction with me, the undersigned inventor, from a time prior to the filing date of Lee et al. and ending with the constructive date of reduction to practice — i.e., the filing of the present application.

6. As further evidence that my work antedates the Lee et al. patent filing, I refer to correspondence between me and my patent attorneys concerning work done leading up to the filing of my provisional application, from a time prior to July 17, 2000 ending with the constructive date of reduction to practice — i.e., the filing of the present application. This correspondence is attached as **Exhibit D**. Dates along with privileged information, appearing in the documents comprising **Exhibit D** have been redacted.

{W:\03092\100G780000\00698102.DOC *03092100G780000* }

7. In the time since the issuance of the Invoices and emails and correspondence noted above, I changed my legal name from Evan Kaimowitz to Evan Kaye, and so the individual identified in **Exhibits B** through **D** is me.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Evan Kaye

3/27/06
Dated

1. (Previously Presented) A method for facilitating purchases of gift items that are made available for purchase from a host server, comprising the steps of:
 - a) downloading a component to a client machine;
 - b) a user providing a permission for the downloaded component to access an address book maintained on the client machine;
 - c) retrieving at least a set of names of potential gift recipients from the address book maintained on the client machine;
 - d) using the component, combining into a selection form at the client machine one or more gift items available through the host server and the set of names of the potential gift recipients;
 - e) enabling the user at the client machine to associate from within the selection form the one or more gift items with particular names in the set of names to thereby define a set of intended gift recipients; and
 - f) forwarding to the host server a portion of the address book contents which concerns the particular names in the set of names that have been associated with the gift items .

Claim 2: Canceled.

3. (Previously Presented) The method of claim 1, including the additional step of enabling the user at the client machine to associate a message with a potential gift recipient.
4. (Original) The method of claim 3, wherein the message is entered by the user.
5. (Original) The method of claim 3, wherein plural messages can be entered by the user, and wherein the user can select any one of the plural messages for associating with a particular recipient in the set of potential gift recipients.

EXHIBIT A

6. (Original) The method of claim 3, wherein plural messages are displayed at the client machine, any one of which is associable with a particular recipient in the set of potential gift recipients.
7. (Original) The method of claim 3, wherein the selection form further includes the at least one message which the user is enabled to associate with the potential gift recipient.
8. (Previously Presented) The method as in claim 1, wherein the association of gift items with potential gift recipients is made by selecting a radio button which is displayed at the client machine.
9. (Previously Presented) The method as in claim 1, wherein the association of gift items with potential gift recipients is made by selecting a checkbox which is displayed at the client machine.
10. (Previously Presented) The method of claim 1, including the additional step, once the set of intended gift recipients has been defined, of presenting at the client machine a shipping form which is automatically populated with the names and shipping information for each of the intended gift recipients, the shipping information including an address which is retrieved from the address book.
11. (Original) The method of claim 10, including the additional step of providing the names and shipping information of the intended gift recipients to the host server.
12. (Original) The method of claim 10, wherein the shipping information for at least one of the intended gift recipients is populated in the shipping form free of manual entry by the user.

Claim 13: Canceled

14. (Original) The method of claim 1, wherein the address book is retrieved from the client machine.

15. (Original) The method of claim 1, wherein the address book is retrieved from a third party server.

16. (Previously Presented) The method of claim 1, including the additional step of executing the component at the client machine which performs the retrieving and combining steps .

17. (Original) The method of claim 1, wherein the selection form displays, for each name in the set of potential gift recipients, any prior gift item associations that were made in a previous session with the host server so as to advise a user of a possible repeat gift item purchase.

18. (Original) A method for facilitating purchases of gift items made available for purchase by a host server, comprising the steps of:

a) downloading to a client machine a component from the host server, the component including a selection template which coordinates with information in an address book which is accessible from the client machine;

b) retrieving into the component at least a set of names of potential gift recipients from the address book;

c) retrieving from the host server a set of gift items, each of which is associable with one or more names in the set of potential gift recipients;

d) displaying in a browser operating at the client machine a matrix of selection cells which is defined by intersecting rows and columns, one of the rows and columns denoting the set of gift items and the other denoting the names in the set of potential gift recipients; and

e) enabling the user to associate names in the set of potential gift recipients with gifts in the set of gift items by interacting with one or more selection cells to thereby define a set of intended gift recipients.

19. (Original) The method as in claim 18, including the additional step of providing the set of intended gift recipients to the host server free of manual entry of the names of the intended gift recipients.

20. (Original) The method as in claim 18, wherein the interaction with the selection cells comprises selecting a radio button.

21. (Original) The method as in claim 18, wherein the interaction with the selection cells comprises selecting a check box.

22. (Previously Presented) The method as in claim 1, including the additional step of adding the gift items available for purchase from the host server to an electronic shopping basket, wherein steps (b) through (f) are performed after the adding step in connection with a checkout by the user at the client machine.

23. (Previously Presented) A method for facilitating purchases of gift items that are made available for purchase from a host server, comprising the steps of:

using a browser executing at a client machine, adding the gift items available for purchase from the host server to an electronic shopping basket; and

in connection with a checkout by a user at the client machine:

a) prompting the user with a permission request to access a particular address book including at least a set of names;

b) testing for the presence of a component on the client machine; and

c) in the event that the component is present on the client machine:

1) retrieving at least the set of names from the particular address book using the component;

2) constructing a selection form which presents a matrix of selection cells, wherein each selection cell is at the intersection of a particular one of the added gift items from the electronic shopping basket and a particular name from the retrieved set of names;

EXHIBIT A

- 3) displaying in the browser the constructed selection form;
- 4) enabling the user at the client machine to associate from within the selection form at least the particular one of the gift items with at least the particular name to thereby define a set of intended gift recipients; and
- 5) forwarding to the host server the set of intended gift recipients including at least the particular name retrieved from the particular address book.

IN ACCOUNT WITH

**DARBY &
DARBY**PROFESSIONAL
CORPORATION805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 527-7700
FAX (212) 753-6237

FEDERAL ID NO. 13-2766173

CLIENT NUMBER 3092.

INVOICE # 314073

R

MATTER NAME	TIME	COSTS	TOTAL
R	R	R	R
INVOICE TOTAL	R	R	R

IF PAYING BY WIRE: CITIBANK N.A., 153 E. 53RD STREET, N.Y. 10043
ROUTING # 021000089 - ACCOUNT # 43347688

IN ACCOUNT WITH

**DARBY &
DARBY**

PROFESSIONAL
CORPORATION

805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 527-7700
FAX (212) 753-6237

FEDERAL ID NO. 13-2766173

VOICE CLIP IDENTIFICATION METHOD
U.S. PATENT APPLICATION
SERIAL NO. 60/205,960
INVENTOR: EVAN KAIMOWITZ

MATTER NUMBER 0G844.

COSTS ADVANCED

R

ne

TOTAL COSTS ADVANCED

MATTER TOTAL

INVOICE TOTAL

R

R

R

R

IN ACCOUNT WITH

**DARBY &
DARBY**PROFESSIONAL
CORPORATION805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 527-7700
FAX (212) 753-6237

FEDERAL ID NO. 13-2766173

DR. EVAN KAIMOWITZ
145 EAST 81ST STREET # 3C
NEW YORK, NY 10028

INVOICE # 314073

REDACTED

CLIENT NUMBER 3092.

FOR PROFESSIONAL SERVICES RENDERED
IN CONNECTION WITH THE FOLLOWING MATTERS
THROUGH REDACTEDMETHOD FOR INTEGRATING ADDRESS BOOK
INFORMATION INTO WEB PAGE
U.S. PATENT APPLICATION
SERIAL NO. 60/223,154

MATTER NUMBER 0G780.

REDACTED

REDACTED = R

PROFESSIONAL SERVICES

R .00

COSTS ADVANCED

REDACTED

Telecopier

R

TOTAL COSTS ADVANCED

R

MATTER TOTAL

R 00

IN ACCOUNT WITH

**DARBY &
DARBY**PROFESSIONAL
CORPORATION805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 527-7700
FAX (212) 753-6237

FEDERAL ID NO. 13-2766173

CLIENT NUMBER 3092.

INVOICE # 321753

MATTER NAME

TIME

COSTS

TOTAL

INVOICE TOTAL

IF PAYING BY WIRE: CITIBANK N.A., 153 E. 53RD STREET, N.Y. 10043
ROUTING # 021000089 - ACCOUNT # 43347688

IN ACCOUNT WITH

DARBY &
DARBY

PROFESSIONAL
CORPORATION

INTELLECTUAL PROPERTY LAW

805 THIRD AVENUE
NEW YORK, NY 10022-7513

TEL (212) 527-7700

FAX (212) 753-6237

FEDERAL ID NO. 13-2766173

GENERAL MATTERS

MATTER NUMBER 8E253.

R

R

R

PROFESSIONAL SERVICES

R

MATTER TOTAL

R

INVOICE TOTAL

R

IN ACCOUNT WITH

DARBY &
DARBY

PROFESSIONAL
CORPORATION

805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 527-7700
FAX (212) 753-6237

FEDERAL ID NO. 13-2766173

DR. EVAN KAIMOWITZ
145 EAST 81ST STREET # 3C
NEW YORK, NY 10028

INVOICE # 321753

REDACTED

CLIENT NUMBER 3092.

FOR PROFESSIONAL SERVICES RENDERED
IN CONNECTION WITH THE FOLLOWING MATTERS
THROUGH REDACTED

METHOD FOR INTEGRATING ADDRESS BOOK
INFORMATION INTO WEB PAGE
U.S. PATENT APPLICATION
SERIAL NO. 60/223,154

MATTER NUMBER 0G780.

REDACTED $\frac{A}{S}$ R

PROFESSIONAL SERVICES

Fee Adjustments

R

IN ACCOUNT WITH

DARBY &
DARBY

PROFESSIONAL
CORPORATION

805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 527-7700
FAX (212) 753-6237

FEDERAL ID NO. 13-2766173

MATTER NUMBER 0G780.

COSTS ADVANCED

R

al

R

TOTAL COSTS ADVANCED

MATTER TOTAL

R

IN ACCOUNT WITH

**DARBY &
DARBY**

PROFESSIONAL
CORPORATION

805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 627-7700
FAX (212) 753-6237

FEDERAL ID NO. 13-2766173

VOICE CLIP IDENTIFICATION METHOD
U.S. PATENT APPLICATION
SERIAL NO. 60/205,960
INVENTOR: EVAN KATIMOWITZ

MATTER NUMBER 0G844.

R
PROFESSIONAL SERVICES R

MATTER TOTAL R 00

R 0

IN ACCOUNT WITH

**DARBY &
DARBY**PROFESSIONAL
CORPORATION805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 527-7700
FAX (212) 753-6237

FEDERAL ID NO. 13-2766173

VOICE CLIP IDENTIFICATION METHOD
U.S. PATENT APPLICATION

MATTER NUMBER 1G844.

UNITED STATES, CASE 1
US PATENT APPLICATION
SERIAL NO. 09/634,339

R

PROFESSIONAL SERVICES

COSTS ADVANCED

R

R

8/08/00 Patent Office fee for patent
application

345.00

SUB TOTAL

TOTAL COSTS ADVANCED

R

R

MATTER TOTAL

R

REDACTED

Evan Kaimowitz
505 Columbus Ave, #5F
New York, NY 10024

REDACTED

David Leason
Darby & Darby P.C.
New York, NY

David,

Shipping Address Automation Method - ^{Redacted} Patent Draft

REDACTED

REDACTED

I look forward to your feedback.

Best regards,

Evan Kaimowitz

Enc.

From: "Evan Kaimowitz, MD" <evanjk@bellatlantic.net>
To: ~~Don~~ Darbysec(DLEASON)
Date: ~~REDACTED~~ 1:43am
Subject: Address Automation

David:

Hope you've had a good weekend. Just a quick note to let you know

~~REDACTED~~

Best,

Evan

REDACTED

DARBY & DARBY P.C.

001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2866
CONNECTION TEL 2026153
SUBADDRESS
CONNECTION ID
ST. TIME
USAGE T 10'03
PGS. SENT 32
RESULT OK

REDACTED

D-Leason

DARBY & DARBY P.C.
805 THIRD AVENUE, 27TH FL.
NEW YORK, NEW YORK 10022
(212) 527-7700

TELECOPIER NO. (212) 753-6237
TELEX: 236687

DATE: REDACTED

FILE: 3092/OG780

TELECOPIER TRANSMISSION COVER SHEET

TRANSMITTING TO: (212) 202-6153

TO: Evan Kaimowitz, M.D.

FROM: David Leason, Esq.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING COVER PAGE): 31

CONFIRMATION OF THIS TRANSMISSION WILL FOLLOW: No

COMMENTS:

REDACTED revised draft from Leason, plus 6 drawing sheets with comments. Best regards.

Evan Kaimowitz
505 Columbus Ave, #5F
New York, NY 10024

REDACTED

David Leason & Mitchell Feller
Darby & Darby P.C.
New York, NY

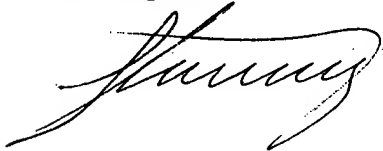
David & Mitch,

Shipping Address Automation Method ^{REDACTED} Patent Draft

REDACTED

I look forward to your feedback.

Best regards,



Evan Kaimowitz

Enc.

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☒ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.